

# BEST AVAILABLE COPY

Sep-06-2005 06:14pm From:ALSTON AND BIRD

T-953 P.001/004 F-933

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## ALSTON & BIRD LLP

101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
704-444-1000  
Fax: 704-444-1111

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DATE: September 6, 2005

TO: UNITED STATES PATENT AND TRADEMARK OFFICE  
Mail Stop 16  
ART UNIT 2145

Guy R. Gosnell  
Reg. No. 34,610

In re: Joel E. Short et al.  
Appl. No. 09/693,512  
Filed October 20, 2000  
Title: GATEWAY DEVICE HAVING AN SML INTERFACE AND ASSOCIATED METHOD

Confirmation No. 7933  
Art Unit: 2145

Please process the attached the REQUEST FOR REFUND (3 pages) and fax confirmation to Guy R. Gosnell at 704-444-1111. Thank you.

NO. OF PAGES:  
(Including cover page)

4

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USER CODE:	SIMMB	FAX NUMBER:	571-273-6500
CLIENT/MATTER:	042253/204722		
REQUESTED BY:	Sarah Simmons 1142	VOICE NUMBER:	

CLT01/4544166v1

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Sep-06-2005 06:14pm From:ALSTON AND BIRD

T-953 P.002/004 F-933

Attorney's Docket No. 042253/204722

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Joel E. Short et al.

Appl. No.: 09/693,512

Filed: October 20, 2000

For: GATEWAY DEVICE HAVING AN SML INTERFACE  
AND ASSOCIATED METHOD

Confirmation No.: 7933

Group No.: 2145

Examiner: Thomas Duong

MAIL STOP 16

Director of the US Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

### REQUEST FOR REFUND

(Improper Charge of Deposit Account)

1. **REFUND REQUEST:** This is a request for a refund of \$285.00, with respect to the charge to Deposit Account 16-0605 for Fee Code 2253, shown on the enclosed statement dated July 2005, for the above-identified patent application.
2. **EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR:** Applicant filed an Appeal Brief and a Petition and Fee for Extension of Time for a 3-month extension on June 14, 2005. The Appeal Brief was filed in response to the Notice of Appeal filed January 14, 2005, and therefore the 3-month extension of time was appropriate. The \$285.00 fee for an additional month's extension of time was improperly charged on July 22, 2005. Applicant hereby requests the amount of \$285.00 be refunded.
3. **MANNER OF REFUND:** Please make refund by crediting our Deposit Account No. 16-0605.

Respectfully submitted,

Goy R. Goshell

Registration No. 34,610

CUSTOMER NO. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273-6500 on the date shown below.

Sarah B. Simmons  
Sarah B. Simmons

Sept. 6, 2005  
Date

CLT01/4744429v1

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T-953 P.003/004 F-933



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## Deposit Account Statement

Requested Statement Month:	July 2005
Deposit Account Number:	160606
Name:	ALSTON & BIRD LLP
Attention:	BANK OF AMERICA
Address:	101 SOUTH TRYON STREET
City:	CHARLOTTE
State:	NC
Zip:	28280-4000
Country:	UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01	1	10689955	0007049	2402	\$250.00	\$39,394.00
07/01	3	PCT/US05/21147	AFFINERGY, INC.	8007	\$40.00	\$39,354.00
07/01	9	11134141	104035.292345	1081	\$250.00	\$39,104.00
07/01	15	11137207	05724/291129	1462	\$400.00	\$38,704.00
07/01	40	10611033	0008221-0001	2253	\$510.00	\$38,194.00
07/01	41	10611033	0008221-0001	2814	\$65.00	\$38,129.00
07/01	46	09861876	34691.233881	2801	\$395.00	\$37,734.00
07/01	138	60695158	048211/	2006	\$100.00	\$37,634.00
07/01	177	11054709		8021	\$40.00	\$37,594.00
07/01	181	29223511	105289/285643	8021	\$40.00	\$37,554.00
07/01	183	29223502	105289/285641	8021	\$40.00	\$37,514.00
07/01	196	PCT/US05/22184	34686/294129	1601	\$300.00	\$37,214.00
07/01	196	PCT/US05/22184	34686/294129	1704	\$2,075.00	\$35,139.00
07/01	197	PCT/US05/22184	34686/294129	1702	\$1,211.00	\$33,928.00
07/01	198	PCT/US05/22184	34686/294129	1703	\$182.00	\$33,746.00
07/01	199	PCT/US05/22184	34686/294129	8007	\$60.00	\$33,686.00
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07/01	684	11040443		8021	\$40.00	\$33,606.00
07/01	695	11040443		8021	\$40.00	\$33,566.00
07/01	1086	1869666		8521	\$40.00	\$33,526.00
07/05	34	11093009	038675/289657	2201	-\$100.00	\$33,626.00
07/05	35	11093009	038675/289657	2202	\$100.00	\$33,526.00
07/05	46	78390487		6005	\$100.00	\$33,426.00
07/05	55	10523440	104035.287283	1632	-\$500.00	\$33,926.00
07/05	56	10523440	104035.287283	1642	\$400.00	\$33,526.00
07/05	63	10523284	12810-00017-US	1642	\$400.00	\$33,126.00
07/05	72	60563474	49934/291267	8007	\$100.00	\$33,026.00
07/05	93	09924162	060159/290768	8021	\$40.00	\$32,986.00

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07/19 136	60570611	048782/29219	8007	\$20.00	\$42,249.00
07/19 296	10512133	033339/284351	8021	\$40.00	\$42,209.00
07/19 305	29222064	047717/284346	8021	\$40.00	\$42,169.00
07/19 368	10027185		8021	\$40.00	\$42,129.00
07/20 1	60588104	D-30366-01	1807	\$50.00	\$42,079.00
07/20 7	10519635		9204	-\$100.00	\$42,179.00
07/20 8	11179856	034726/291641	8021	\$40.00	\$42,139.00
07/20 23	10519131		9204	-\$100.00	\$42,239.00
07/20 34	11104051	045011-290520	2011	\$150.00	\$42,089.00
07/20 35	11104051	045011-290520	2111	\$250.00	\$41,839.00
07/20 36	11104051	045011-290520	2311	\$100.00	\$41,739.00
07/20 37	11104051	045011-290520	2201	\$300.00	\$41,439.00
07/20 38	11104051	045011-290520	1053	\$130.00	\$41,309.00
07/20 39	11104051	045011-290520	2051	\$65.00	\$41,244.00
07/20 71	10797416	045600275111	2252	\$225.00	\$41,019.00
07/20 72	10796953	045600/275114	2252	\$225.00	\$40,794.00
07/20 253	60700114	034848/286864	1005	\$200.00	\$40,594.00
07/21 1	60692849	18360/293427	1052	\$50.00	\$40,544.00
07/21 26	10821539	047732/277335	2814	\$65.00	\$40,479.00
07/21 37	29221793	031599/258002	8007	\$20.00	\$40,459.00
07/21 142	11033051	018360.277339	8021	\$40.00	\$40,419.00
07/21 144	10511120	104035.283798	8021	\$40.00	\$40,379.00
07/21 177	11121208		8021	\$40.00	\$40,339.00
07/21 184	10395861		8021	\$40.00	\$40,299.00
07/21 192	11032992	018360.269539	8021	\$40.00	\$40,259.00
07/21 371	60669943	043965/291193	8021	\$40.00	\$40,219.00
→ 07/22 5	09693512	42253/204722	2253	\$285.00	\$39,934.00
07/22 27	10285395	030627/253137	1251	\$120.00	\$39,814.00
07/22 29	11056621	040989/274646	2051	\$65.00	\$39,749.00
07/22 30	11056621	040989/274646	2251	\$60.00	\$39,689.00
07/22 168	10901637	47717/280099	8007	\$20.00	\$39,689.00
07/22 171	10901686	047717/280712	8007	\$20.00	\$39,649.00
07/25 69	11021622	048109/286196	8021	\$40.00	\$39,609.00
07/25 209	11016498	042933/283959	8021	\$40.00	\$39,569.00
07/25 210	11079757		8021	\$40.00	\$39,529.00
07/25 250	11109014	030583/289172	8021	\$40.00	\$39,489.00
07/25 294	10899846	42933/295163	8007	\$20.00	\$39,469.00
07/25 522	60532196	035718/280543	8021	\$40.00	\$39,429.00
07/25 523	11021666	035718/280543	8021	\$40.00	\$39,389.00
07/25 524	PCT/US04/43439	035718/280543	8021	\$40.00	\$39,349.00
07/26 544	11112387	047717/283371	8021	\$40.00	\$39,309.00
07/25 545	11077964	045011/289493	8021	\$40.00	\$39,269.00
07/26 16	11085820	104035.290277	1011	\$300.00	\$38,969.00
07/26 17	11085820	104035.290277	1111	\$500.00	\$38,469.00
07/26 18	11085820	104035.290277	1311	\$200.00	\$38,269.00
07/26 19	11085820	104035.290277	1202	\$100.00	\$38,169.00
07/26 20	11085820	104035.290277	1051	\$130.00	\$38,039.00
07/26 21	11085820	104035.290277	1251	\$120.00	\$37,919.00
07/26 47	2248417		9204	-\$200.00	\$38,119.00



06-10-02

MT-20W

USPTO's Docket No. 042253/204722

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application No.: Joel E. Short et al. Confirmation No.: 7933  
 Filed: 09/693,512 Group No.: 2145  
 For: October 20, 2000 Examiner: Thomas Duong  
**GATEWAY DEVICE HAVING AN SML INTERFACE AND ASSOCIATED METHOD**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. § 1.136(a)

- This is a petition for an extension of time for a total period of three (3) months to respond to the Office Action dated January 14, 2005.
- Applicant is ☒ a small entity; ☐ other than a small entity.
- Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(a)(5)):  

Total Months Requested	Fee For Other Than Small Entity	Fee for Small Entity
<input type="checkbox"/> one month	\$120.00	\$60.00
<input type="checkbox"/> two months	\$450.00	\$225.00
<input checked="" type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00
<input type="checkbox"/> five months*	\$2,160.00	\$1,080.00

\*Cannot be used to exceed six-month statutory limit for response to an Official Action.

☒ A check in the amount of \$510.00 is enclosed.  
☐ Charge Deposit Account No. 16-0605 for the extension fee.  
☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

1/16/2005 TRESHH1 00000004 09693512  
! FC:2253 510.00 00

Respectfully submitted,  
  
James C. Edwards  
Registration No. 44,667

Customer No. 00826  
**ALSTON & BIRD LLP**  
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Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

"Express Mail" mailing label number EV 521115682 US  
 Date of Deposit June 14, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Appeal Brief Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sarah B. Simmons  
 CLT01/4716235v1

Adjustment Date: 11/04/2005 SDIRETA1  
07/22/2005 RBROWN1 00000005 160605 09693512  
01 FC:2253 285.00 CR